

# *Guidance for Manufacturer Reporting for the Electronic Waste Recycling Act*

*Revised May 2008*



*Zero Waste California*

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# Introduction

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The California Electronic Waste Recycling Act of 2003 (Act), (SB 20, Chapter 526, Statutes of 2003, as amended by SB 50, Chapter 863, Statutes of 2004), established a system for the collection and recycling of certain electronic wastes. The California Integrated Waste Management Board (CIWMB) and the Department of Toxic Substances Control (DTSC) are charged with implementing the Act. The Act specifically targets video display devices with screens greater than 4 inches measured diagonally. Under the law, manufacturers of Covered Electronic Devices (CED) are required to annually report specific information on their covered devices. Once the products are discarded, DTSC regulates these CEDs as hazardous wastes. CIWMB and DTSC have worked with manufacturers to assist them in complying with the law and regulations.

The Electronic Waste Recycling Act and implementing regulations are available at [www.ciwmb.ca.gov/Electronics/RegIssues/](http://www.ciwmb.ca.gov/Electronics/RegIssues/).

## **Compliance with the Act:**

This report submission covers part of the manufacturer's compliance requirements pursuant to the Electronic Waste Recycling Act of 2003. The report requirement can be found in the California Public Resources Code (PRC) section 42465.2 and the corresponding regulations in the California Code of Regulations (CCR) Title 14 section 18660.42. Penalties for non-compliance with the Act include a "sales ban" in California (PRC 42465) and fines up to \$25,000.00 (PRC 42474(c)).

The DTSC implements hazardous waste rules for California and identifies devices covered by the Act. The list currently includes the following video display devices:

- Cathode ray tube (CRT) containing devices with CRTs greater than four inches measured diagonally.
- CRTs greater than four inches measured diagonally.
- Computer monitors containing CRTs greater than four inches measured diagonally.
- Laptop computers with liquid crystal display (LCD) screens greater than four inches measured diagonally.
- LCD televisions and desktop monitors greater than four inches measured diagonally.
- Televisions containing CRTs greater than four inches measured diagonally.
- Plasma televisions.
- Portable DVD Players

In December of 2006 DTSC added portable DVD players to the list, but reporting information on these products will not be required until the 2007 reporting year. Reports are due July 1, 2008.

These regulations and the listing of CEDs can be found on the DTSC E-waste website:

<http://www.dtsc.ca.gov/HazardousWaste/CRTs/index.html>

<http://www.dtsc.ca.gov/HazardousWaste/EWaste/index.cfm>

This guidance document is designed to help you complete the required manufacturer report including a section-by-section discussion of the regulatory requirements. A template is provided

for your use if you choose. Following each section are questions and answers we have received about the regulations. Please note that the answers to particular questions in this guide are intended as suggestions and guidance for the regulated community and are not legally binding requirements. Updates to this document and the template will be provided through our listserv and on our website at [www.ciwmb.ca.gov/Electronics/Act2003/Manufacturer/](http://www.ciwmb.ca.gov/Electronics/Act2003/Manufacturer/).

## A. Report Submission

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**Due Date: July 1 each year.**

The manufacturer's report is due on or before July 1 of each year, covering the previous calendar year. The report must include the required information on all covered electronic devices sold by the manufacturer in the previous Calendar year (January–December). The manufacturer is responsible for the preparation of the report covering their activities, even if a “collective report” is submitted on their behalf. (See collective report information on page 9).

Submit completed reports and supplemental documentation to:

California Integrated Waste Management Board  
Attention: Electronic Waste Recycling Program, MS 9  
1001 I Street, P.O. Box 4025  
Sacramento, CA 95812-4025

For further information regarding this report:

Phone: (916) 341-6456  
E-mail: [ewaste@calepa.ca.gov](mailto:ewaste@calepa.ca.gov)  
Website: [www.ciwmb.ca.gov/Electronics/Act2003/](http://www.ciwmb.ca.gov/Electronics/Act2003/)

Acceptable formats for submitting reports: (in order of preference)

- CD in MS Word or PDF (preferred in order to save paper) mailed to above address.
- E-mail to [ewaste@calepa.ca.gov](mailto:ewaste@calepa.ca.gov). Please ask for verification of receipt. Due to file size limits, large files may not transmit via E-mail.
- Hard copy mailed to above address; return receipt is suggested.

## B. Section-by-Section Guidance

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1. General Information
2. Sales Data
3. Material Reporting
4. Recyclable Content
5. Design for Recycling
6. List of Retailers Notified
7. Consumer Information

## 1. General Information

### Regulations:

#### ***Title 14, California Code of Regulations (CCR), section 18660.41 Reporting Requirements.***

*Each manufacturer as defined by section 42463(n) of the Public Resources Code shall submit an annual report to the CIWMB on or before July 1, 2005, and annually thereafter, for the period of the previous calendar year. Each manufacturer shall report information by brand name of covered electronic devices sold in the state.*

*(a) The report shall include the following:*

*(1) Name and address of the manufacturer; and name, address, phone number, and email address for a contact person of the manufacturer.*

***California Public Resources Code (PRC) section 42463*** defines a manufacturer as follows:

*(n) "Manufacturer" means any of the following:*

*(1) A person who manufactures a covered electronic device sold in this state.*

*(2) A person who sells a covered electronic device in this state under that person's brand name.*

**Q.** Who is required to report?

**A.** A person who meets the definition of a manufacturer

Therefore, the CIWMB suggests that:

1. The person whose brand name is on the unit should report the required information for those units.
2. Resellers that put their brand name on a unit are required to file a report.
3. If a manufacturer, a company, or a person as defined in the Act owns the rights to a brand name, they are responsible to file a report.
4. If a manufacturer makes units for another brand name then the manufacturer does not count that information in its sales for the report.
5. Please provide a backup contact person in case of changes.

## Records Retention and Certification

### Regulations:

#### ***Chapter 14 CCR, section 18660.41. . .***

*(h) Each manufacturer shall maintain the report and all supporting documentation for three years after the report is submitted. If the CIWMB or DTSC requests a copy of the supporting documentation the manufacturer shall submit the supporting documentation within 10 days of the request.*

*(i) Each manufacturer shall provide a certification under penalty of perjury that the information is true and correct.*

**Q.** Who should sign the certification?

**A.** The CIWMB suggests that an authorized officer of the manufacturer sign the certification.

## 2. Sales Data

### Regulations:

***Title 14 CCR, section 18660.41. . .***

*(b) The sales reporting shall include:*

- (1) Data on the number of covered electronic devices sold in the state by product category;*
- (2) An explanation of the methodology used to estimate sales data.*

This section asks for an estimate of the products that you sold in California during the previous calendar year. Show your sales by product category. These regulations were updated on 11/27/06.

Example: Units sold in California in 2006 manufactured by ABCD Corp.

Product Category							
	Portable DVD Players	CRT— TV	CRT— Monitors	LCD— TV	LCD— Monitor	Plasma TV	Laptop with an LCD
Number of units sold in CA				37,000	24,000		

### Explanation of Methodology—Describe How Your Sales Data Was Estimated

- Is your estimate based on total U.S. sales and estimated by population? Did you use census data (2006 estimates)?
  - Are your sales the same everywhere?
  - Do warranty registrations or extended service plans give any sense of trends?
- We need quality information to substantiate an estimate. Please provide a degree of confidence in your reporting number; that is, + / - X%.
- There may be a difference between units sold and units shipped in a calendar year; do your best to estimate based on trends familiar to you.
- The CIWMB is aware that there are challenges in obtaining sales information that flows through various distribution networks and value added resellers, but the unit count required by the Act can be obtained from the distributors without jeopardizing their sales networks. This information is still required.
- What brand names do these products cover? This would be helpful for us as we do our field surveys.

**Please note:** Portable DVD players were added as covered devices by regulation in December 2006 and reporting of these devices will be required in 2007.

**Q.** Should the report include military BX/PX sales?

**A.** Yes; these are sales of covered devices in California as required in Title 14 CCR, section 18660.41(b).

**Q.** If a company had no sales in a given year, is a report required?

**A.** Yes, in order to stay in compliance with the Electronic Waste Recycling Act, a nil report is required. A company with no sales should submit a report with zero sales and no recycling information.

### **3. Materials Reporting**

#### **Regulations:**

***Title 14 CCR, section 18660.41. . .***

*(c) The materials reporting shall include:*

*(1) An estimated average amount in milligrams for mercury, cadmium, lead, hexavalent chromium (including their alloys and compounds), and poly-brominated biphenyls (PBB) used in covered electronic devices and all their component parts by product category.*

*(2) Estimates may be based on either physical testing or maximum tolerance levels of the material in product design specifications.*

*(3) An explanation of the methodology used to estimate data.*

This section of the law requires an estimate of the amount of certain materials contained in the products that your company manufactures. The law also requires an estimate of the reduction in the use of these materials from the previous year. In preparing the information please consider:

- How much of each listed material is in your products?
- How much have you reduced the use of the materials from the previous year?

The listed materials are:

- Mercury
- Cadmium
- Lead
- Hexavalent chromium
- Polybrominated biphenyls (PBB)

The first four materials should include amounts in any compound or alloy in the product. All materials are to be measured in milligrams (mg) per unit in a product category. The regulations require reporting an average for each product category over all screen sizes.

**Q.** What does the product or covered electronic device include?

**A.** The covered electronic device includes all power cords and cables that make the video display device function.

- For laptops this includes power adapters or power supply packaged with the unit used to power the unit or to charge the battery.
- Detached speaker systems are not included.



You can obtain an estimate of materials contained in covered electronic products by physically testing a unit. You can also provide a summary of maximum tolerance levels for the listed materials contained in products or components provided by another manufacturer. If you are using certain methods to meet the European Union Restriction of Hazardous Substances (RoHS) Directive 2002/95/EC adopted by the European Parliament and the Council of the European Union on January 27, 2003, those methods could be used to establish an estimated baseline. Please describe that process in the explanation of the methodology.

**Q.** Does RoHS compliance exempt the manufacturer from reporting?

**A.** No. The Act provides the possibility for an exemption upon certification by Department of Toxic Substances in PRC 42465.2(b), but you would still need to report on any components exempted by the European Union Directive 2002/95/EC and its amendments. Currently there are 29 exemptions with additional requests pending.

**Q.** For materials reporting, do we report a “range of values”?

**A.** The previous version of the regulations asked for a range, but that requirement was deleted. Please report one value that is an average of all the estimated values supplied.

## **4. Recyclable Content**

### **Regulations:**

***Title 14 CCR, section 18660.41. . .***

*(d) Recyclable content reporting shall include:*

- (1) Estimates on the amount in tons of recyclable content materials (e.g., plastics, glass, and metals) contained in covered electronic devices;*
- (2) The increase from the previous year in the use of recyclable content materials; and*
- (3) An explanation of the methodology used to estimate recyclable content.*

This section of the report can be written as a general narrative and you can use any statistics or feature of your products that apply. When preparing this section, the CIWMB asks that you consider the following:

- Whether you can recycle the following materials in your products:
  - Plastics
  - Glass
  - Wood
  - Printed circuit boards
  - Wiring
  - Other metals, ferrous or non-ferrous
  - Other materials
- Did you use more recyclable materials than you did in the previous year? Please explain and show the comparison.

## 5. Design for Recycling

### Regulations:

*Title 14 CCR, section 18660.41. . .*

*Design for recycling reporting shall include:*

*(1) Information on current activities and plans related to the design of covered electronic devices, including but not limited to, the following:*

*(A) Ease of disassembly of covered electronic devices;*

*(B) Identification of resin types; and*

*(C) Improved materials efficiency through reduction in hazardous materials use or other approaches.*

The CIWMB suggests that this section can be written as a general narrative. Some information may duplicate the previous section describing recyclable materials. Please consider the following in preparing this section:

- Are you reusing or buying reclaimed materials to manufacture the products?
- Are you designing products to extend the product's life by allowing component upgrades?
- Are the plastics marked with the recycling symbol and number to assist with sorting and recycling?
- Are products designed for ease of disassembly?

## 6. List of Retailers Notified

### Regulations:

*Title 14 CCR, section 18660.41. . .*

*(f) List of retailers noticed pursuant to Section 42465.2 (a)(1)(E) of the Public Resources Code shall include:*

*(1) The contact information used by the manufacturer to perform the notice, such as the name, address, contact person, phone number and/or email address of the retailer to which the notice was made.*

*(2) The list of covered products contained in the notice.*

California Health and Safety Code section 25214.10.1 (c) contains the requirements for notification. Manufacturers are required to provide **a complete list of the retailers** that sell their cover electronic products. The list is comprised of the names and contact information of the retailers **whether they are located in California or not**. If an out of state retailer or reseller sells a covered electronic product to a California consumer, include them on the list.

- Please provide a list of the retailer and appropriate contact information.
- What covered products were in the manufacturer's notification to the retailers?

**Q.** We sell many of our products indirectly or through third-party networks, such as distributors or value added resellers, who also sell to resellers or leasing groups/agents. We do not know to whom or when they are sold. How do we notify the retailers that we do not have access to?

**A.** The law requires you, the manufacturer, to notify any retailer that sells a covered device that you manufacture. Your intermediate clients should assist you in complying with this requirement.

**Q.** We sell to internet-based resellers and or catalog resellers and we don't know if they sell in California or not.

**A.** When in doubt, notify and list them. You can also ask them directly. Retailers may want to protect their client sources, but they should still provide data on total sales in California.

**Q.** When notifying retailers of the covered products, are specific model numbers required?

**A.** The California Health and Safety Code Sec. 25214.10.1 does not currently require model numbers. However, you must specify the covered products as listed in the notice to retailers.

**Q.** Am I required to send a copy of the notice to retailers? Do I send a copy of the notice to the state?

**A.** Yes, the California Health and Safety Code Sec. 25214.10.1 requires that the notice to all your retailers is due to them by April 1 each year. A copy of the notice is also required to be sent to the State Board of Equalization. The address is:

State Board of Equalization  
Waste Reduction Section, E Waste  
P.O. Box 942879  
Sacramento, CA 94279-0088  
Attention: Louise Bertoni, Supervisor

## **7. Consumer Information**

### **Regulations:**

#### ***Chapter 14 CCR, section 18660.41. . .***

*(g) Manufacturers shall individually submit to the CIWMB samples of the consumer information and description of all methods used to comply with section 18660.42 of this chapter. Manufacturers shall submit this information at the same time they comply with section 18660.41(a) through (e), above.*

#### ***Chapter 14 CCR, section 18660.42. . .***

*A manufacturer shall do the following:*

- (a) Make the consumer information required by section 42465.2 (a)(2) of the Public Resources Code available in English and Spanish; and*
- (b) If a manufacturer uses a centralized database or Internet site to meet the requirement in (a), the manufacturer must maintain the databases or Internet site for their accuracy.*

#### ***PRC section 42465.2 (a)(2). . .***

*Make information available to consumers, that describes where and how to return, recycle, and dispose of the covered electronic device and opportunities and locations for the collection or return of the device, through the use of a toll-free telephone number, Internet Web site, information labeled on the device, information included in the packaging, or information accompanying the sale of [the] covered electronic device.*

Please provide a sample(s) of the required consumer information and describe the method(s) of distribution. (can be any or all of examples below)

- Information labeled on the device.
- Information accompanying the sale of the device.
- Packaging.
- Website. Do you refer to [erecycle.org](http://erecycle.org)?

- Toll-free telephone number.

**Q.** One of the requirements for the report is to make the consumer information required by section 42465.2 (a)(2) of the Public Resources code available in English and Spanish. If this is done via the Web, can we simply refer the customer to [erecycle.org](http://erecycle.org)? Also, if this reference to [erecycle.org](http://erecycle.org) is linked to the company's environmental page, does Spanish need to be on just the final page, or on each page leading to [erecycle.org](http://erecycle.org)?

**A.** Currently [erecycle.org](http://erecycle.org) can fulfill the English and the Spanish requirements in regulations. If you use the company's home page to link to [erecycle.org](http://erecycle.org), you may need a separate page or link to Spanish information to fulfill the 42465.2 (a)(2) requirements.

## C. Collective Reporting

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### Regulations:

#### *Chapter 14 CCR, section 18660.41. . .*

*(j) Collective reporting—Compliance with the reporting required in sections 18660.41(b) through (f), above, is the individual responsibility of each manufacturer. A manufacturer may comply with the reporting requirements in subsections (b) and (c), above, by submitting a collective report for the subsections containing sales and materials information, if the following conditions are met:*

*(1) A collective report must contain all of the information required in sections 18660.41(b) and (c), above, but may combine the information for those manufacturers submitting information for the collective report;*

*(2) The collective report shall contain a list of all manufacturers whose reports are included in the collective report. This list shall include the name of the manufacturer and address of the manufacturer; and name, address, phone number, and email address for a contact person of the manufacturer;*

*(3) Each manufacturer shall provide a certification under penalty of perjury that the information provided for the collective report is true and correct; and*

*(4) Notwithstanding section 18660.41(j)(1) through (3), above, the CIWMB may request, on a case-by-case basis, a manufacturer to submit an individual report with the information required in sections 18660.41(b) and (c), above, and all supporting documentation of the information contained in the report. In response to CIWMB's request, the manufacturer shall submit an individual report and supporting documentation within ten days of receiving the CIWMB's request.*

Manufacturers have an option to submit a collective report for some of the required information. **Only sales data and materials reporting** as required in PRC sections 18660.41 (b) and (c) may be submitted collectively. Please see section B2 and B3 of this publication for further details. Each manufacturer must complete an individual report for recyclable content, design for recycling, list of retailers notified, and consumer information and attach it to the "Collective Report."

Contact information should include any third party that prepared or submitted a report on behalf of the attached list of manufacturers.

**Q.** If different manufacturers use different methods to provide estimates on sales and materials, how do we report the information?

**A.** It would be best if all manufacturers use the same standard but if that is not feasible, please describe each method and the number of manufacturers using each method.

For example, on sales data:

“Five of 10 manufacturers used national sales divided by population in California” You need not identify which manufacturers used which method; just provide a thorough description of the methods used.

**Q.** For materials reporting, do we report a “range of values”?

**A.** A previous version of the regulations asked for a range, but that requirement was deleted. Please report one value that is an average of all the estimated values supplied.

**Q.** Do the collective industry reporting requirements apply to consumer products only? If a company manufactures devices with LCD panels used in industrial applications, would they need to report?

**A.** It depends on what is meant by industrial applications. “Consumer product” is not defined in the Electronic Waste Recycling Act. “Covered Electronic Devices” is defined in section 42463(f) and defines certain exemptions. According to section 42463 (f)(2)(B), a video display device contained within or a part of a piece of industrial equipment is exempt.

Sales of all covered electronic devices need to be reported. Do not report on exempt devices. If a manufacturer sells only exempt devices in California, a report is not required. If you are uncertain whether a product is exempt contact Charles Corcoran of DTSC at [ccorcora@dtsc.ca.gov](mailto:ccorcora@dtsc.ca.gov) for clarification.

**Q.** Am I in compliance with these report requirements if I participate in a “Collective Report”?

**A.** If the report is on time and you have submitted the individual information required in sections A - 4 through 7, then yes, you are in compliance.

## D. RoHS Exemption from Reporting

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The law provides for exemption from reporting on products that are certified by DTSC as compliant with the European Union RoHS Directive 2002/95/EC adopted by the European Parliament and the Council of the European Union on January 27, 2003. Reporting is still required on the materials exempted by the RoHS directive. Currently there are no regulations on the certification process by DTSC; therefore, all compounds listed in 42465.2 (a)(1)(B) should be included in reports at this time.

Following is the exemption provision contained in the Act in PRC section 42465.2:

*(b) (1) For the purposes of complying with paragraph (1) of subdivision (a), a manufacturer may submit a report to the board that includes only those covered electronic devices that include applications of the compounds listed in subparagraph (B) of paragraph (1) of subdivision (a) that are exempt from the Directive 2002/95/EC adopted by the European Parliament and the Council of the European Union on January 27, 2003, and any amendments made to that directive, if both of the following conditions are met, as modified by section 24214.10 of the Health and Safety Code:*

*(A) The manufacturer submits written verification to the department that demonstrates, to the satisfaction of the department, that the manufacturer is in compliance with Directive 2002/95/EC, and any amendments to that directive, for those covered electronic devices for which it is not submitting a report to the board pursuant to this subdivision.*

*(B) The department certifies that the manufacturer is in compliance with Directive 2002/95/EC, and any amendments to that directive, for those covered electronic devices for which the manufacturer is not submitting a report to the board pursuant to this subdivision.*

*(2) When reporting pursuant to this subdivision, a manufacturer is required only to report on specific applications of compounds used in covered electronic devices that are exempt from Directive 2002/95/EC.*

The European Union's Directive 2002/95/EC is available at [europa.eu.int/eur-lex/pri/en/oj/dat/2003/l\\_037/l\\_03720030213en00190023.pdf](http://europa.eu.int/eur-lex/pri/en/oj/dat/2003/l_037/l_03720030213en00190023.pdf).

As of the date of this guidance document there were 29 exemptions, up from the original 10 in the Annex to the above directive. Currently there are more exemption petitions pending. DTSC has existing RoHS emergency regulations and will be finalizing those regulations starting in 2008.

DTSC web site is: <http://www.dtsc.ca.gov/HazardousWaste/EWaste/index.cfm>